

KRAMER LEVIN NAFTALIS & FRANKEL LLP

NORMAN C. SIMON

PARTNER

PHONE 212-715-7816

FAX 212-715-8054

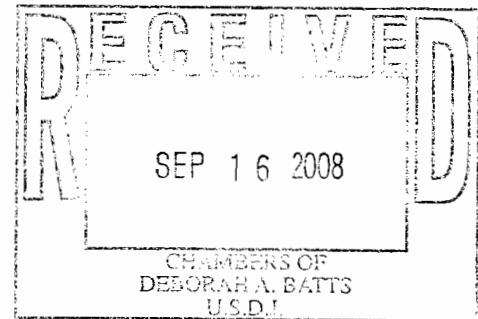
NSIMON@KRAMERLEVIN.COM

MEMO ENDORSED

September 15, 2008

BY HAND

The Honorable Deborah Batts
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 2510
 New York, New York 10007



Re: *Equal Employment Opportunity Commission/Majid
 Borumand v. Merrill Lynch & Co., Inc., et al.*
07-Civ-6017 (DAB) (KNF)

Dear Judge Batts:

We represent defendants Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce, Fenner & Smith Inc. (collectively, "Merrill Lynch") in the above-captioned matter. On Friday, September 12, 2008, Plaintiff-Intervenor submitted a seven-page letter in violation of Your Honor's rules requesting a pre-motion conference seeking the Court's involvement on several discovery matters. We intend to defend the allegations raised in Plaintiff-Intervenor's letter, as well as to seek relief from the Court for Plaintiff-Intervenor's discovery shortcomings. Plaintiff-Intervenor's deposition is scheduled for tomorrow. In light of the length of Plaintiff-Intervenor's letter and the intervening deposition, which we expect will provide information that we will want to bring to the Court's attention, we respectfully request that the Court allow us to submit a response on Monday, September 20, 2008. Thank you for your consideration.

22
 JAB
 9/17/08

Sincerely,

Norman C. Simon
 Norman C. Simon

MEMO ENDORSED

SO ORDERED

cc: Michael Grenert, Esq. (by electronic mail)
 Michael O'Brien, Esq. (by electronic mail)
 Kevin Leblang, Esq.

Deborah A. Batts
 DEBORAH A. BATTS 9/17/08
 UNITED STATES DISTRICT JUDGE